

JUDGE SULLIVAN

08CRIM 778

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

FILED

JUL 22 2008

NP
NEMICHAEL W. DOBBINS
CLERK, U.S. DISTRICT COURTUNITED STATES OF AMERICA)
vs.)
MICHAEL MOSTER)

08CR 581

Violation: Title 18, United States
Code, Section 1005

JUDGE CONLON

MAGISTRATE JUDGE COLE

THE UNITED STATES ATTORNEY charges:

1. At times material to this indictment:

a. Bank of America, N.A. ("Bank of America"), with offices located in Chicago, Illinois, was a national bank.

b. Defendant MICHAEL MOSTER was employed by Bank of America as a trading assistant. Defendant MOSTER was assigned to the bank's proprietary rates trading desk where, among other things, he traded treasury securities and treasury futures on Bank of America's behalf.

c. Traders, including defendant MOSTER, were required to truthfully and accurately keep and record their trading activity in securities and futures. In this regard, traders submitted daily handwritten reports of their trading activity on trading blotters. These trading blotters were retained with the books and records of Bank of America, and the information on the trading blotters was also entered into Bank of America's computer database system for incorporation into the bank's reports and statements.

USDC SDNY	DOCUMENT
	ELECTRONICALLY FILED
DOC #:	20080818-100000-100000
DATE FILED:	08/18/2008

A TRUE COPY-ATTEST
MICHAEL W. DOBBINS, CLERK

BY _____
DEPUTY CLERK
U.S. DISTRICT COURT, NORTHERN
DISTRICT OF ILLINOIS
DATE: AUG 07 2008

d. The reports and statements generated from the information provided by traders, including defendant MOSTER, were widely disseminated to supervisory personnel, who were responsible for monitoring Bank of America's trading activity, including the bank's profit and loss from trading activity and the risk undertaken by the bank's traders, including MOSTER.

e. Supervisory personnel, including bank officers, would receive such reports and statements and relied upon them in order to exercise their oversight authority and to determine whether traders such as MOSTER had engaged in risky trading activity.

2. Between on or about January 5, 2004 and January 7, 2004, MOSTER made a series of false entries concerning his trading activity in treasury futures. Specifically, on or about January 5, 2004, the defendant recorded two 500-lot purchases of treasury futures in the books, reports and statements of Bank of America, N.A., when in truth and in fact, as the defendant well knew, no such purchase of treasury futures had occurred. On or about January 6, 2004, the defendant recorded two 1,000-lot purchases of treasury futures in the books, reports and statements of Bank of America, N.A., when in truth and in fact, as the defendant well knew, no such purchase of treasury futures had occurred. On or about January 7, 2004, the defendant recorded a 1,000-lot purchase of treasury futures in the books, reports and statements of the Bank of America, N.A., when in truth and in fact, as

the defendant well knew, no such purchase of treasury futures had occurred. Each of these false trades was recorded by MOSTER on a handwritten trade blotter that MOSTER submitted for entry into the bank's computer database. The practical effect of these false entries was to make it appear in the bank's books, reports and statements that the defendant's short sales of treasury securities were hedged by treasury futures. In fact, as the defendant well knew, the defendant's existing positions were not hedged, and the above-referenced futures trades were fictitious.

3. Between on or about January 5, 2004 and January 14, 2004, the defendant falsely represented to bank personnel that he had in fact entered into the futures transactions referenced in paragraph 2. As the defendant then and there knew, the above-referenced future trades were fictitious.

4. On or about January 5, 2004, at Chicago, in the Northern District of Illinois, Eastern Division,

MICHAEL MOSTER,

defendant herein, with the intent to deceive an officer of Bank of America, N.A., a national bank, knowingly made a false entry in the books, reports, and statements of Bank of America, N.A., in that the defendant recorded two 500-lot purchases of treasury futures in the books, reports and statements of Bank of America, N.A.,

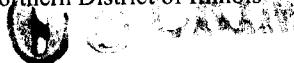
when in truth and in fact, as the defendant well knew, no such purchase of treasury futures had occurred;

In violation of Title 18, United States Code, Section 1005.

Patrick J. Fitzgerald, by D.A.S.
UNITED STATES ATTORNEY

U.S. Department of Justice

Rule 20 -- Transfer Notice

To: Clerk of the Court	District Northern District of Illinois 	Date July 25, 2008 
Name of Subject: MICHAEL MOSTER	Statute Violated 18 USC 1005	File Data (Initials and Number)

Part A -- District of Arrest

The above-named subject has been apprehended in this jurisdiction and indicates amenability to Rule 20 disposition of the charges pending against him in your court. Kindly indicate whether you are agreeable to Rule 20 disposition and forward two certified copies of indictment or information if any.

Enclosed is a certified copy of waiver of indictment by defendant. Kindly file criminal information and forward two certified copies thereof.

Enclosed is Consent to Transfer form executed in duplicate (one copy for your files) by defendant and the United States Attorney in the district of arrest. Kindly add your consent and have the Clerk of your district transmit the papers in the proceeding or certified copies thereof to the Clerk of the Court in this district in accordance with the Rule Docket No.

Other (Specify):

The above-named defendant entered a plea of guilty under Rule 20.

Date of Plea Date of Sentence Sentence

From (Signature and Title)	Address
----------------------------	---------

Part B -- District of Offense

I am agreeable to Rule 20 disposition.

I am not agreeable to Rule 20 disposition. Defendant's appearance is desired at
on _____ at _____ o'clock
(Kindly notify me of any anticipated delay)

Enclosed are two certified copies of indictment or information Docket No. _____

Please have defendant execute waiver of indictment.

Other (Specify):

Signature (Name and Title) Patrick J. Fitzgerald, by D.M.G. Patrick J. Fitzgerald, United States Attorney	District Northern District of Illinois	Date July 25, 2008
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See United States Attorneys Manual 9-14.000 for an explanation of procedures under Rules 7 & 20, Federal Rules of Criminal Procedure.
Replaces OBD-101, Fed. 83 edition may be used

COLE, TERMED

United States District Court
Northern District of Illinois - CM/ECF LIVE, Ver 3.2.1 (Chicago)
CRIMINAL DOCKET FOR CASE #: 1:08-cr-00581-1
Internal Use Only

Case title: USA v. Moster

Date Filed: 07/22/2008

Date Terminated: 07/29/2008

Assigned to: Honorable Suzanne B.
Conlon**Defendant (1)****Michael Moster**

TERMINATED: 07/29/2008

Pending Counts

None

Disposition**Highest Offense Level (Opening)**

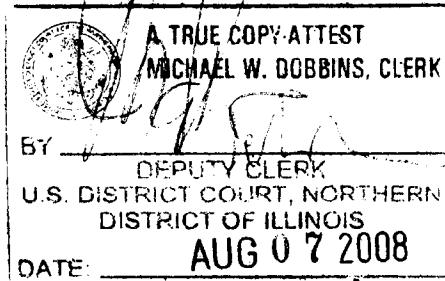
None

Terminated CountsBANK ENTRIES, REPORTS AND
TRANSACTIONS
(1)**Disposition**Rule 20 Consent to Transfer of Case for
Plea and Sentence**Highest Offense Level (Terminated)**

Felony

Complaints

None

Disposition**Plaintiff**

USA

represented by **Amarjeet Singh Bhachu**
United States Attorney's Office (NDIL)
219 South Dearborn Street
Suite 500
Chicago, IL 60604
(312) 353-5300
Email: amarjeet.bhachu@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

AUSA

United States Attorney's Office (NDIL)
219 South Dearborn Street
Suite 500
Chicago, IL 60604
(312) 353-5300
Email: USAILN.ECFAUSA@usdoj.gov
ATTORNEY TO BE NOTICED

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Highest Offense Level (Opening)

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Terminated Counts**Disposition**BANK ENTRIES, REPORTS AND
TRANSACTIONS
(1)Rule 20 Consent to Transfer of Case for
Plea and Sentence**Highest Offense Level (Terminated)**

Felony

Complaints**Disposition**

None

Plaintiff

USA

represented by **Amarjeet Singh Bhachu**
United States Attorney's Office (NDIL)
219 South Dearborn Street
Suite 500
Chicago, IL 60604

(312) 353-5300
 Email: amarjeet.bhachu@usdoj.gov
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ATTORNEY TO BE NOTICED

Pretrial Services

435-5545
 Email:
 ilnptdb_Court_Action_Note@ilnpt.uscourts.gov

ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
07/22/2008	1	INFORMATION as to Michael Moster (1) count(s) 1 (meg,) (Entered: 07/23/2008)
07/22/2008	2	DESIGNATION Sheet: FELONY (Category III). (meg,) (Entered: 07/23/2008)
07/22/2008	3	NOTICE of Arraignment as to Michael Moster before Honorable Suzanne B. Conlon on Thursday, 7/31/2008 at 9:00 a.m. (meg,) (Entered: 07/23/2008)
07/24/2008	4	MINUTE entry before the Honorable Suzanne B. Conlon as to Michael Moster:On the court's own motion, the arraignment set on 7/31/08 is reset on 8/7/08 at 9:00 a.m. Mailed notice (meg,) (Entered: 07/25/2008)
07/29/2008	5	CONSENT to Transfer Jurisdiction (Rule 20) to USDC SD/NY - New York Counts closed as to Michael Moster (1) Count 1. (meg,) (Entered: 07/31/2008)
08/07/2008	6	CERTIFIED and Transmitted to USDC SD/NY - New York the documents consisting of transmittal letter; certified copies of Rule 20 Consent to Transfer of case for plea and sentence, Rule 20 transfer notice, docket sheet, information as to Michael Moster. Sent via certified mail receipt #: 7006 0100 0001 7313 4849. (meg,) (Entered: 08/07/2008)

PACER Service Center		
Transaction Receipt		
08/18/2008 08:17:53		
PACER Login:	du7130	Client Code:

Description:	Docket Report	Search Criteria:	1:08-cr-00581
Billable Pages:	1	Cost:	0.08

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TRANSACTIONS

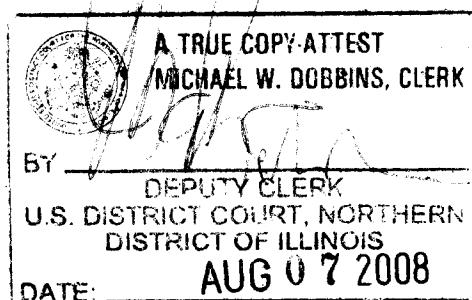
(1)

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Plea and Sentence**Highest Offense Level (Terminated)**

Felony

Disposition**Complaints**

None

**Plaintiff**

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UNITED STATES DISTRICT COURT
EVERETT MCKINLEY DIRKSEN BUILDING
UNITED STATES COURT HOUSE
219 S. DEARBORN STREET
CHICAGO ILLINOIS 60604

**MICHAEL W. DOBBINS,
CLERK**

August 7, 2008

OFFICE OF THE CLERK

Southern District New York
Mr. John Michael McMahon, Clerk
United States District Court
120 Daniel Patrick Moynihan
United States Courthouse
500 Pearl Street
New York, NY 10007-1312

RE: United States of America vs. Michael Moster
Transferring District's Case Number: 08 CR 581
Receiving District's Case Number:

Dear Clerk of Court:

Pursuant to Rule 20 of the Federal Rules of Criminal Procedure, enclosed are the following documents:

Original Consent to Transfer Under Rule 20 Form

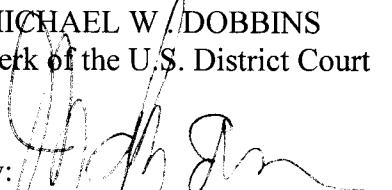
Certified copy of Indictment

Certified copy of docket entries

which I hereby certify are the originals filed in this Court on the above cause.

Please acknowledge receipt of the above documents on the enclosed copy of this letter.

MICHAEL W. DOBBINS
Clerk of the U.S. District Court

By: 
Marsha E. Glenn, Deputy Clerk

DATE RECEIVED :

UNITED STATES DISTRICT COURT
EVERETT MCKINLEY DIRKSEN BUILDING
UNITED STATES COURT HOUSE
219 S. DEARBORN STREET
CHICAGO ILLINOIS 60604

MICHAEL W. DOBBINS,
CLERK

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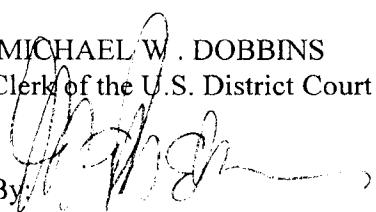
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